

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Digital Broadcast Copy Protection)	MB Docket No. 02-230
)	
)	
)	

ORDER

Adopted: December 10, 2002

Released: December 10, 2002

By the Chief, Media Bureau:

1. On August 9, 2002, the Commission released a *Notice of Proposed Rulemaking* (“*NPRM*”) seeking comment on whether a regulatory copy protection regime is needed to protect digital broadcast television.¹ The *NPRM* states that interested parties may file comments by October 30, 2002, and reply comments by December 13, 2002. By an *Order* dated October 11, 2002, the Media Bureau granted an extension request filed by Public Knowledge, the Center for Democracy and Technology and Consumers Union to extend the deadline for filing comments and reply comments in this proceeding to December 6, 2002, and January 17, 2003, respectively.²

2. On December 6, 2002, New Yorkers for Fair Use (“NYFU”) filed a motion to further extend the deadline for filing comments in this proceeding to December 16, 2002, due to technical difficulties with the Commission’s Electronic Comment Filing System (“ECFS”).³ Due to an intermittent equipment problem on December 5, 2002, from 7:30 p.m. to 11:50 p.m., comments e-mailed via ECFS during that time period were not received by the FCC.⁴

3. In light of the technical problems experienced with ECFS, the Media Bureau will allow parties that attempted to file comments from 7:30 p.m. to 11:50 p.m. on December 5, 2002, to resubmit their comments pursuant to the established procedures outlined on the ECFS Home Page (<http://www.fcc.gov/e-file/ecfs.html>). Affected parties should file a paper copy of their electronic message, reflecting a date-time stamp during the outage period, along with a “Motion to Accept the Filing as Timely Filed” with the Commission’s Office of the Secretary by December 16, 2002. Organizations with numerous filings by its members are encouraged to file a joint Motion on behalf of its members, along with copies of the individual comments.

¹ *Digital Broadcast Copy Protection*, MB Docket No. 02-230, Notice of Proposed Rulemaking (rel. Aug. 9, 2002).

² *Digital Broadcast Copy Protection*, MB Docket No. 02-230, Order (rel. Oct. 11, 2002).

³ *Digital Broadcast Copy Protection*, MB Docket No. 02-230, Request for Extension of Time (filed Dec. 6, 2002) (“*Request for Extension*”).

⁴ Notice (Dec. 5, 2002) (“Due to equipment problems, no incoming e-mail was received at the FCC between 7:30 p.m. and 11:50 p.m. EST on Thursday December 5th. Anyone who sent e-mail to the FCC during that time was not notified that the message was not delivered. Those messages will have to be resent. This effects [sic] e-mail filings in all Dockets, including Docket 02-230.”).

4. Parties must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

5. **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 155(c), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46, the request for extension of time filed by New Yorkers for Fair Use **IS DENIED**; however, filings will be accepted to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau